

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MICHAEL ANTHONY LOPEZ,

Plaintiff,

v.

DARIN BALAAM, *et al.*,

Defendants.

Case No. 3:22-cv-00007-MMD-CSD

ORDER

On October 26, 2022, this Court ordered Plaintiff to file his updated address with the Court within 30 days. (ECF No. 22.) That deadline has now long expired, and Plaintiff has not filed an updated address or otherwise indicated an intent to prosecute this action.¹

District courts have the inherent power to control their dockets, and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. *See Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

¹The October 26, 2022 order was returned as undeliverable. (ECF No. 23.) However, it is Plaintiff’s responsibility to file notification of any change of mailing address. See LR IA 3-1.

1 In determining whether to dismiss an action for lack of prosecution, failure to obey
2 a court order, or failure to comply with local rules, the court must consider several factors:
3 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
4 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
5 disposition of cases on their merits; and (5) the availability of less drastic alternatives.
6 See *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at
7 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

8 Here, the Court finds that the first two factors, the public's interest in expeditiously
9 resolving this litigation and the Court's interest in managing the docket, weigh in favor of
10 dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of
11 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay
12 in prosecuting an action. See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).
13 The fourth factor—the public policy favoring disposition of cases on their merits—is
14 greatly outweighed by the factors in favor of dismissal discussed herein. Finally, a court's
15 warning to a party that his failure to obey the court's order will result in dismissal satisfies
16 the "consideration of alternatives" requirement. See *Ferdik*, 963 F.2d at 1262; *Malone*,
17 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to
18 file an updated address expressly stated: "It is therefore ordered that Plaintiff must file his
19 updated address with the Court within 30 days from the date of this order. Failure to do
20 so will result in dismissal of this case without prejudice." (ECF No. 22.) Thus, Plaintiff had
21 adequate warning that dismissal would result from his noncompliance with the Court's
22 order to file an updated address.

23 It is therefore ordered that this action is dismissed without prejudice based on
24 Plaintiff's failure to file an updated address in compliance with this Court's order (ECF No.
25 22).

26 The Clerk of Court is directed to enter judgment accordingly and close this case.
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1 DATED THIS 30th Day of March 2023.

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4 MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE